PATENT APPLICATION
DOCKET NO.: 10010871-1

REMARKS

Entry of the amendments set forth herein is respectfully requested.

Claims 1-28 are currently pending. Claims 1, 12, and 21 are in independent form.

Claims 1, 6-10, 12, 15-19, 21, 23, and 25-28 are proposed to be amended as set forth above by way of the present Response. No new matter is introduced.

Support for the proposed claim amendments may be found in the original specification at, *inter alia*, page 4, lines 5-18; page 10, line 18 to page 11, line 12; page 12, lines 16-19; and page 12, lines 20-24.

Favorable reconsideration of the present patent application as currently constituted is respectfully requested.

Regarding the Claim Rejections - 35 U.S.C. §102(b)

In the pending Office Action, claims 1, 2, 12, 13, 21, and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,758,061 to Plum (hereinafter the *Plum* reference). As to the base claims 1, 12, and 21, the following comments were provided in connection with these §102 rejections:

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With respect to claim 1 (currently amended), Plum discloses a method of modifying a source code portion associated with a computer program (see, for example, column 5, line 39-44, which shows instrumenting the source code of a computer program), comprising the steps of:

(a) scanning said source code portion using a parser to recognize at least one select syntax structure therein (see, for example, column 7, lines 1-9, which shows a parser for parsing the source code and analyzing its syntax, and column 9, lines 33-40, which further shows identifying structures in the code), said parser having one or more predetermined code modification portions therein, each being operable to specify a corresponding instrumentation code portion (see, for example, column 7, lines 45-65, which further shows predetermined code modification portions associated with different "chunks" or syntax structures, operable to specify corresponding "test" or "block" instrumentation code); and

(b) inserting an instrumentation code portion into said source code portion at a location associated with a particular one of said at least one select syntax structure (see, for example, column 7, lines 15-21 and 26-36, which shows inserting instrumentation code at locations associated with particular structures), said instrumentation code portion being specified responsive to a corresponding predetermined code modification portion provided in said parser (see, for example, column 7, lines 45-65, which further shows that the instrumentation code is inserted by its corresponding code modification portion).

With respect to claim 12 (currently amended), the recited system is analogous to the method recited in claim 1 (see Plum as applied to claim 1 above). Note that Plum further discloses such a system (see, for example, column 5, lines 12-24).

With respect to claim 21 (currently amended), the recited computer-readable medium is analogous to the method recited in claim 1 (see Plum as applied to claim

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1 above). Note that Plum further discloses such a
computer-readable medium (see, for example, column 5,
lines 12-24).

Applicant respectfully submits that pending §102 rejections
would be overcome or otherwise rendered moot by way of the proposed
amendments as set forth above. It is believed that the proposed
claim amendments are fully responsive to the Examiner's additional
comments provided under the section "Response to Arguments" of the
pending Office Action. The present invention, as defined by the
currently amended base claims 1, 12 and 21, is directed to a
system, method and computer-readable medium for automatically and
selectively modifying the source code of a computer program. A
parser is provided for scanning the source code portion to
recognize select syntax structures of the source code. One or more
predetermined code modification portions are included in the
parser, each being operable to specify a corresponding variable
instrumentation code portion. Accordingly, a variable
instrumentation code portion is inserted into the source code
portion at a location associated with a particular select syntax
structure therein, the variable instrumentation code portion being
specified responsive to a corresponding predetermined code
modification portion provided in the parser.

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Applicant respectfully submits that these limitations are not anticipated or even suggested by the *Plum* reference. As discussed in Applicant's previous Response dated September 3, 2004, *Plum* provides a general description of a parser. See column 7, lines 1-9. The parser block 202 of *Plum* is merely operable to determine insertion points for inserting instrument code 106. When an insertion point is found, the instrumenter 200 inserts instrument code 106 at that position in the computer program. Otherwise, instrumenter 200 continues parsing until it reaches the end of the program. See column 7, lines 15-21; see also FIG. 3. Applicant respectfully contends that these teachings of the *Plum* reference as applied in the outstanding Office Action do not teach or allude to a parser having one or more predetermined code modification portions therein, each being operable to specify a corresponding variable instrumentation code portion, as currently claimed. In contrast, the instrumenter 200 of the *Plum* reference merely inserts a statically-associated (i.e., fixed) instrument code at an insertion point, as set forth in further detail at column 7, lines 45 et seq. of the *Plum* reference. The "test" type instrument code and "block" type instrument code of the *Plum* reference are solely and merely based on whether the source program chunk is a branch chunk or a block chunk, and therefore are not variably responsive

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to a corresponding predetermined code modification portion provided in the parser itself.

Based on the foregoing discussion, Applicant respectfully submits that the *Plum* reference neither discloses nor suggests Applicant's invention as recited in the currently amended base claims 1, 12 and 21. Dependent claims 2, 13 and 22 depend from these three base claims, respectively, and introduce additional limitations therein. Accordingly, these dependent claims of the present patent application are also allowable over the *Plum* reference.

Regarding the Claim Rejections - 35 U.S.C. §103(a)

In the pending Office Action, the remaining claims stand rejected under 35 U.S.C. §103(a) on the basis of several combinations of art. Claims 3, 4, 7, 9, 10, 14, 16, 18, 19, 23, 26, and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over the *Plum* reference, as applied to claims 2, 13, and 22 above, respectively, in view of U.S. Patent No. 6,311,327 to O'Brien et al. (hereinafter the *O'Brien* reference). Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over the *Plum* reference, as applied to claim 2 above, in view of U.S. Patent

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No. 5,909,578 to Buzbee (hereinafter the *Buzbee* reference). Claims 6, 8, 15, 17, 25, and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over the *Plum* reference, as applied to claims 2, 13, and 22 above, respectively, in view of U.S. Patent No. 5,450,586 to Kuzara et al. (hereinafter the *Kuzara* reference). Finally, claims 11, 20, and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over the *Plum* reference, as applied to claims 2, 13, and 22 above, respectively, in view of U.S. Patent No. 6,327,699 to Larus et al. (hereinafter the *Larus* reference).

In response, Applicant respectfully submits that these pending §103 rejections would be overcome or otherwise rendered moot by way of the claim amendments as proposed hereinabove. As set forth in detail hereinabove, the base claims 1, 12, and 21 are neither taught nor suggested by the primary reference, i.e., the *Plum* reference. The critical deficiency of the *Plum* reference as applied against the currently claimed invention is not cured, however, by relying on the various secondary references, either alone or in any combination. It is well known that to establish obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the combined references must

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teach or suggest all the claim limitations.   See MPEP §2143.
Applicant respectfully contends that there is no suggestion or
motivation in any of the applied references to combine the
teachings therein so as to achieve the claimed invention directed
to a system, method and computer-readable medium for automatically
and selectively modifying the source code of a computer program,
wherein one or more predetermined code modification portions are
included in a parser, each being operable to specify a
corresponding variable instrumentation code portion for insertion
into the computer program's source code at selected locations. As
set forth in detail hereinabove, although the *Plum* reference is
concerned with providing instrumented code by applying a parser, it
does not suggest or provide motivation for including predetermined
code modification portions therein for specifying, in a dynamic
manner, a variety of corresponding instrumentation code portions.
The *O'Brien* reference is directed to a software analysis system for
capturing tags generated by tag statements in instrumented source
code.   The *Buzbee* reference is concerned with optimizing compilers
where a method and system are provided for burst profiling a
software application.   The *Kuzara* reference discloses a system for
inserting code markers for observing indications of the occurrence
of an event in the execution of embedded software.   The *Larus*

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reference teaches a path profiling technique wherein a program is instrumented to record acyclic paths during execution of the program. Applicant respectfully submits that even if the teachings of the applied references were to be combined, the combined references fail to teach or suggest all the limitations of the claimed invention as currently constituted. Accordingly, it is believed that the various dependent claims of the present patent application are allowable over the entire art made of record.
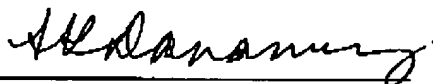
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SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the present invention, as now defined by the independent claims, and in further view of the above remarks and proposed amendments, reconsideration of the Action and allowance of the present invention are respectfully requested and are believed to be appropriate.

Respectfully submitted,

Dated: _____2/2/2005_____

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